

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA :
:
- v. - :
:
MUGE MA, :
a/k/a "Hummer Mars," :
:
Defendant. :
:
- - - - - X

JUDGE BERMAN

INDICTMENT

20 Cr.

20 CRIM 407

COUNT ONE

(Major Fraud Against the United States)

The Grand Jury charges:

1. From at least in or about March 2020 through at least in or about May 2020, in the Southern District of New York and elsewhere, MUGE MA, a/k/a "Hummer Mars," the defendant, willfully and knowingly executed, and attempted to execute, a scheme and artifice with the intent to defraud the United States, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, in a grant, contract, subcontract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, including through an economic stimulus, recovery and rescue plan provided by the Government, the value of which was \$1,000,000 and more, to wit, MA engaged in a scheme to obtain at least several million dollars in Government-guaranteed loans by means of false and fraudulent pretenses, representations, and documents, for New York

International Capital LLC ("NYIC") and Hurley Human Resources LLC ("Hurley"), two companies owned and controlled by MA (collectively, the "Ma Companies"), through two loan programs of the United States Small Business Administration (the "SBA") designed to provide relief to small businesses during the novel coronavirus/COVID-19 pandemic, namely the Paycheck Protection Program (the "PPP") and the Economic Injury Disaster Loan ("EIDL") Program.

(Title 18, United States Code, Sections 1031 and 2.)

COUNT TWO
(Bank Fraud)

The Grand Jury further charges:

2. From at least in or about March 2020 through at least in or about May 2020, in the Southern District of New York and elsewhere, MUGE MA, a/k/a "Hummer Mars," the defendant, willfully and knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation ("FDIC"), and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations and promises, to wit, MA engaged in a scheme to obtain at least several million dollars in Government-guaranteed loans for the Ma Companies from

FDIC-insured banks through the PPP by means of false and fraudulent pretenses, representations, and documents.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT THREE
(Wire Fraud)

The Grand Jury further charges:

3. From at least in or about March 2020 through at least in or about May 2020, in the Southern District of New York and elsewhere, MUGE MA, a/k/a "Hummer Mars," the defendant, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, knowingly transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, which affected a financial institution, to wit, MA engaged in a scheme to obtain at least several million dollars in Government-guaranteed loans for the Ma Companies from the SBA and financial institutions through the PPP and the EIDL Program by means of false and fraudulent pretenses, representations, and documents, including through emails transmitted into and out of the Southern District of New York.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT FOUR
(Making False Statements to a Bank)

The Grand Jury further charges:

4. From at least in or about March 2020 through at least in or about May 2020, in the Southern District of New York and elsewhere, MUGE MA, a/k/a "Hummer Mars," the defendant, knowingly made a false statement and report and willfully overvalued land, property, and security, for the purpose of influencing the actions of a financial institution, the accounts of which were insured by the FDIC, in connection with an application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, and loan, and insurance agreement and application for insurance and a guarantee, and charge and extension of any of the same, by renewal, deferment of action and otherwise, and the acceptance, release and substitution of security therefor, to wit, MA made false statements to FDIC-insured banks regarding, among other things, the number of employees of the Ma Companies and the wages paid to employees of the Ma Companies, for the purpose of obtaining at least several million dollars in Government-guaranteed loans for the Ma Companies through the PPP.

(Title 18, United States Code, Sections 1014 and 2.)

COUNT FIVE
(Making False Statements)

The Grand Jury further charges:

5. From at least in or about March 2020 through at least in or about May 2020, in the Southern District of New York and elsewhere, MUGE MA, a/k/a "Hummer Mars," the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully falsified, concealed and covered up by a trick, scheme and device a material fact, made a materially false, fictitious, and fraudulent statement and representation and made and used a false writing and document knowing the same to contain a materially false, fictitious, and fraudulent statement and entry, to wit, MA made false and misleading statements to the SBA regarding, among other things, the number of employees of the Ma Companies, for the purpose of obtaining loans for the Ma Companies through the EIDL Program administered by the SBA.

(Title 18, United States Code, Sections 1001 and 2.)

COUNT SIX
(Making False Statements to the SBA)

The Grand Jury further charges:

6. From at least in or about March 2020 through at least in or about May 2020, in the Southern District of New York and elsewhere, MUGE MA, a/k/a "Hummer Mars," the defendant, knowingly and willfully made a false statement, knowing such

statement to be false, for the purpose of obtaining a loan, extension thereof by deferral of action and otherwise, and the acceptance, release and substitution of security therefor, for himself and an applicant, influencing in any way the action of the SBA, and obtaining money, property, or anything of value, under Chapter 14 of Title 15 of the United States Code, to wit, MA made false statements to the SBA regarding, among other things, the number of employees of the Ma Companies, for the purpose of obtaining loans for the Ma Companies through the EIDL Program administered by the SBA.

(Title 15, United States Code, Sections 645(a), and Title 18, United States Code, Section 2.)

COUNT SEVEN
(Aggravated Identity Theft)

The Grand Jury further charges:

7. From at least in or about March 2020 through at least in or about May 2020, MUGE MA, a/k/a "Hummer Mars," the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, MA used the name and identity of another person ("Individual-1") in connection with the submission of a fraudulent loan application and supporting documentation to at least one financial

institution during and in relation to the fraud and false statement charges in Counts One through Five of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1), (b) & (c)(4)-(5), and 2.)

COUNT EIGHT
(Aggravated Identity Theft)

The Grand Jury further charges:

8. From at least in or about March 2020 through at least in or about May 2020, MUGE MA, a/k/a "Hummer Mars," the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, MA used the name and identity of another person ("Individual-2") in connection with the submission of a fraudulent loan application and supporting documentation to at least one financial institution during and in relation to the fraud and false statement charges in Counts One through Five of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1), (b) & (c)(4)-(5), and 2.)

COUNT NINE
(Aggravated Identity Theft)

The Grand Jury further charges:

9. From at least in or about March 2020 through at least in or about May 2020, MUGE MA, a/k/a "Hummer Mars," the defendant, knowingly did transfer, possess, and use, without

lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, MA used the name and identity of another person ("Individual-3") in connection with the submission of a fraudulent loan application and supporting documentation to at least one financial institution during and in relation to the fraud and false statement charges in Counts One through Five of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1), (b) & (c)(4)-(5), and 2.)

FORFEITURE ALLEGATIONS

10. As the result of committing the offenses charged in Counts Two through Four of this Indictment, MUGE MA, a/k/a "Hummer Mars," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

11. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;


d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461, to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 982;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


AUDREY STRAUSS
Acting United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

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a/k/a "Hummer Mars,"

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INDICTMENT

20 Cr.

(15 U.S.C. § 645(a) and 18 U.S.C. §§ 1001,
1014, 1028A, 1031, 1343 and 1344.)

AUDREY STRAUSS
Acting United States Attorney


Foreperson
